City Council Meeting
10 N. Public Square
August 4, 2011
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member Pruitt

Pledge of Allegiance led by Council Member Tate

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Louis Tonsmeire, Sr., Council Member Ward Three; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Lori Pruitt, Council Member Ward Six; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Jayce Stepp, Council Member Ward Two was absent.

II. Regular Agenda

A. Council Meeting Minutes

1. July 21, 2011

A motion to approve the July 21, 2011 minutes as presented was made by Council Member Tate and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

B. Contracts/Agreements

1. Second Amendment to Sewer Service Agreement

Sam Grove, City Manager stated that this is an agreement between the City of Cartersville and the City of Emerson to provide sewer service. Mr. Grove stated that this amendment changes the date from August 1, 2011 to August 30, 2011 and recommended approval.

A motion to approve the Second Amendment to the Sewer Service Agreement was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

2. Memorandum of Understanding with Appalachian Valley Fiber Network

Sam Grove, City Manager stated that the Fiber Department has worked out an agreement with Appalachian Valley Fiber Network (AVFN) to provide the city with dark fiber from the Cartersville-Bartow Airport to our fiber hub at Cook Street. AVFN will provide the dark fiber in lieu of the city allowing AVFN to over latch to our existing fiber attachments that are connected to City or Georgia Power utility poles. Mr. Grove stated that there is no cost to the city for this venture, and at the same time it expands our service area. Mr. Grove recommended approval of this Memorandum of Understanding.

A motion to approve the Memorandum of Understanding with Appalachian Valley Fiber Network was made by Council Member Pruitt and seconded by Council Member McDaniel. Motion carried unanimously. Vote 5-0

C. Bid Award/Purchases

1. Purchase of Tractor and Rotary Cutter

Gary Riggs, Gas Department Superintendent state that he had requested and received bids for a tractor and rotary cutter to maintain the City Right of Ways. In the past, this work has been contracted out. Mr. Riggs recommended accepting the low bid, which meets all of the specifications, from Bartow Farm & Lawn for a total of $30,049.00.

A motion to approve the purchase from Bartow Farm & Lawn was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

2. Gas Main Relocation Related to Public Safety Center

Gary Riggs, Gas Department Superintendent stated that as part of the Public Safety Center project, it is necessary to relocate approximately 1,000 feet of the city's 8" main. Mr. Riggs stated that bids were requested and received and recommended accepting the low bids from Consolidated Pipe for pipe in the amount of $20,150.00 and S. J. Patterson for the control fittings in the amount of $6,697.92 and for the tapping and stopping operation in the amount of $5,600.00 for a grand total of $32,447.92.

A motion to approve the low bids from Consolidated Pipe and S. J. Patterson was made by Council Member Tonsmeire and seconded by Council Member Pruitt. Motion carried unanimously. Vote 5-0

3. Pettit Creek Trail Phase II

Greg Anderson, Parks and Recreation Director stated that bids were solicited and received for the Pettit Creek Trail Phase II. All three bidders came in above budget; therefore several items were modified, including reducing the trail width to 8 feet, eliminating the bridge and continuing the boardwalk, and several other items. The final total of the remaining pay items is $333,535.79 leaving approximately $24,000.00 in the budget for contingencies. This project is funded through a combination of DNR grant and budgeted items. Mr. Anderson recommended award of this modified contract to the low bidder Georgia Development Partners.

A motion to approve the modified contract to Georgia Development Partners was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

4. West Avenue/Railroad Ditch Drainage

Bobby Elliott, Public Works Superintendent stated that after the flooding events of July 2010, the Public Works Department spent $50,000 approved by Mayor and City Council to repair a West Main Street culvert collapse and to clear out some major obstructions inside the drainage channel alongside the CSX railroad right-of-way that drains the Church Street drainage basin to the Etowah River. Although some large trees and debris clogs were removed at that time, additional work along the upper portion of this system still needs some clearing. The railroad trussell close to the midpoint of this channel is clogged again and the upstream portion of the channel closest to town was not cleaned out sufficiently last year. Flooding occurred again last week with a highly intensified storm and some adjacent businesses took flood water. Mr. Elliott stated that the city would like to clean the remaining portions of the main ditch channel and also deepen and widen the existing channel that exists along the eastern side of the railroad from the Daily Tribune office downstream, approximately 1,250 linear feet, to a culvert that crosses the railroad. This upgrade would also require replacing existing piping under West Avenue with a larger size to convey more flood water. To perform all the work aforementioned, Mr. Elliott requested Mayor and City Council to approve a "not-to-exceed" sum in the amount of $70,000 to cover all the main ditch channel cleaning, the re-working of the channel east of the railroad (1,250 linear feet), upgrade the new piping crossing West Avenue and cover costs of all materials associated with the work. CSX has agreed to allow us to clear the main channel again and they will evaluate our piping upgrade in a couple of weeks. Mr. Elliott recommended Johnny's Grading and Hauling, which is the same contractor used preciously on this railroad corridor.

A motion to approve the agreement with an amount not to exceed $70,000.00 was made by Council Member Pruitt and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Mayor Santini stated that there was and item to be added to the agenda. A motion to add an item to the agenda was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

D. Added Item

1. Downtown Development Revolving Loan Fund

Liz Hood, Downtown Development Director stated that this is an application and authorizing resolution for a Georgia Department of Community Affairs Revolving Loan for the Oakwood Café located at 148 West Main Street. The applicant, Kolt Privett has completed the application for the loan but requires council approval to complete the process. Ms. Hood recommended approval of both the application and authorizing Resolution.

A motion to approve the application and authorizing Resolution No. 17-11 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Resolution No. 17-11

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DOWNTOWN DEVELOPMENT REVOLVING LOAN FUND APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS ON BEHALF OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF CARTERSVILLE AND IF SUCH APPLICATION IS APPROVED BY THE DEPARTMENT OF COMMUNITY AFFAIRS AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CARTERSVILLE, THE DOWNTOWN DEVELOPMENT AUTHORITY OF CARTERSVILLE AND THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS AUTHORIZING THE DOWNTOWN DEVELOPMENT AUTHORITY OF CARTERSVILLE TO BORROW AND BE THE SUB-RECIPIENT OF LOAN FUNDS FROM THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS AND IN TURN TO LEND SUCH FUNDS TO BE USED FOR PRIVETT ENTERPRISES LLC AND THE OAKWOOD CAFE FOR THE BUILDING AT 148 WEST MAIN STREET, IN THE CITY OF CARTERSVILLE, IN BARTOW COUNTY, GEORGIA, FOR USE AS A RESTAURANT; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER ANY AND ALL OTHER DOCUMENTS NECESSARY TO CLOSE THE TRANSACTION; AUTHORIZING THE MAYOR TO TAKE ANY AND ALL ACTION CONSISTENT WITH THIS RESOLUTION; REPEALING CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the Downtown Development Revolving Loan Fund ("DD RLF") program, the Georgia Department of Community Affairs, after application from a local government on behalf of a downtown project and approval of said application, makes a loan to an authority, which in turn utilizes these funds to make a loan for said downtown project in furtherance of the downtown development goals of both the Department and the City of Cartersville (the "City");

WHEREAS, the City is a municipal corporation of the State of Georgia and as such has the power to apply for funds from state agencies and has the power to enter into intergovernmental agreements to provide and receive services authorized by law;

WHEREAS, the City supports and agrees with plans presented by Kolt Privett for kitchen build out and development of a restaurant at 148 West Main Street, Cartersville, Georgia and therefore wishes to assist in the implementation of said plans, and, if awarded by the Department, wishes to support said plans by entering into an intergovernmental contract with the Department and the Downtown Development Authority of Cartersville (the "Authority");

WHEREAS, the City has determined that the establishment of a restaurant at 148 West Main Street, Cartersville, Georgia will promote downtown development for the public good in the City; and

WHEREAS, an intergovernmental contract is needed to ensure the City's co-operation in implementing needed inspection and other valuable local government services;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF CARTERSVILLE, GEORGIA as follows:

1. <u>Authorization to execute DD RLF application.</u> The City is hereby authorized to apply for DD RLF funds on behalf of the downtown project described as follows: Redesign of the interior of the building located at 148 West Main Street and purchase of fixtures and equipment to enable the opening of a restaurant.

2. <u>Authorization to Enter Into Intergovernmental Agreement and other Documents Necessary to Close the Transaction.</u> Provided the Department approves the application for DD RLF funds for the project referred to herein, the City is hereby authorized to enter into an intergovernmental agreement with the Department and the Authority in order to implement a loan from the Department to the Authority. Also, provided the Department approves the application for DD RLF funds for the project referred to herein, the City is hereby authorized to enter into other agreements consistent with this resolution that may be necessary to close the transaction, subject to approval by the Mayor and City Manager.

3. <u>Authorization to Execute Intergovernmental Agreement and other Documents Necessary to Close the Transaction.</u> The City hereby authorizes its Mayor or such other officers and agents of the City as approved by the City Council of the City to execute the Intergovernmental Agreement and such other agreements and documents consistent with this resolution as may be necessary to close the loan from the Authority to the final borrower of funds, subject to approval by the Mayor and City Manager.

4. <u>Ratification.</u> Any and all actions previously or subsequently taken by the officers or agents of the City consistent with the foregoing Resolutions are hereby approved, ratified and confirmed in all respects.

5. <u>Repeal of Conflicting Resolutions.</u> Any and all resolutions or parts thereof which conflict with or are inconsistent with this Resolution are hereby repealed.

SO BE IT RESOLVED, this 4th day of August, 2011.

THE CITY OF CARTERSVILLE

/s/ <u>Matthew J. Santini</u>
Matthew J. Santini
Mayor

Attest:

/s/ <u>Connie Keeling</u>
Connie Keeling
City Clerk

E. Citizen Survey Results

1. Public Safety including Police, Fire, EMS, and Environmental Hazards

Tom Quist, Assistant to the City Manager presented a portion of the results from the recently completed Citizen Survey pertaining to the Citizen Perceptions of Public Safety including Police, Fire, EMS, and Environmental Hazards.

After announcements a motion to adjourn the meeting was made by Council Member Tonsmeire and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

/s/ ____________________________
Matthew J. Santini
Mayor

ATTEST:

/s/ ________________________________
Connie Keeling
City Clerk